

REMARKS

This Response is submitted in reply to the Final Office Action dated February 17, 2011. Claims 1 to 7, 9 to 11, and 13 are pending in the present application. Claims 1, 7, 9 to 11 and 13 are in independent form. Claims 10, 11, and 13 are hereby amended for clarity. No new matter has been added by such amendments. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

The Office Action rejected Claims 1 to 7, 9 to 11, and 13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,757,240 to Miller et al. ("*Miller*"). Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

Independent claim 1 recites, in part, "a first alternate track including video data equivalent to video data obtained by performing a process according to the effect track, the first alternate track being used in response to the effect track being unprocessable." Applicant respectfully submits that *Miller* fails to disclose each element of claim 1.

Miller discloses a matrix switch which allows multiple inputs to be directed to multiple outputs. (*Miller*, column 13, lines 33 to 35.) The inputs may be coupled to media content sources. (*Id.*, Abstract.) In the multi-media matrix switch example of *Miller*, a primary output of the matrix switch is a data stream that defines an editing project created by a user. (*Id.*, column 13, lines 50 to 53.) To create the editing project, the user can select from a number of different multimedia clips or tracks which can be assembled into a unique presentation. (*Id.*, column 13, lines 64 to 66.)

Miller fails to disclose, however, determining whether any of the multimedia clips or tracks are unprocessable. In fact, it appears that *Miller* is only concerned with situations where the tracks *are processable* by the switch:

Moreover, as will be developed more fully below, the scalable nature of matrix switch filter 308 *facilitates such iterative processing for any number of content threads, tracks or compositions*. (*Miller*, 11:35-38 (emphasis added).)

In this particular processing example, a rule is defined that *sources on tracks are processed before transitions on the tracks are processed* because transitions operate on two objects that are beneath them. (*Id.*, 17:29-32 (emphasis added).)

Summarizing, this processing though: *after the effect is entered into the grid and processed* as described above, the traversal of tree

2100 next encounters the node associated with source C. (*Id.*, 20:7-10 (emphasis added).)

Nowhere does *Miller* disclose that an effect track may be *unprocessable*, nor does *Miller* disclose what occurs in response to the effect track being unprocessable. Therefore, *Miller* fails to disclose “a first alternate track including video data equivalent to video data obtained by performing a process according to the effect track, the first alternate track being used *in response to the effect track being unprocessable*” as required by claim 1. (Emphasis added.)

To support the proposition that *Miller* does make such a disclosure, the Office Action states:

Furthermore, Miller et al. discloses a first alternate track, for example, in fig. 21, a alternate track is "B" which includes video data and being used in response to the track "A" which being unprocessable. The priority level of the source A, B, and C, starting with lowest priority source from A to C. Source A has low priority than source B and C. Therefore, the first alternate track is meet by the source B or C including video data equivalent to video data obtained by performing a priority process, wherein, the first alternate track B or C being used in response to the effect track A being unprocessable.

(Office Action at p. 3.)

The Office Action fails to specifically allege how or why track A is unprocessable. The Office Action states that “Source A has low priority than source B and C,” and so as best understood, it appears that the Office Action interprets that track A is unprocessable because it has low priority.

However, there is no disclosure in *Miller* that low priority means a track is unprocessable. *Miller* explains that “priority” deals with how objects in a data structure “compet[e] for the primary output of the matrix switch.” (*Miller*, 19:65-67.) Priority also affects how sources in a data structure are placed in a hierarchical tree that represents a project. (*Id.*, 16:17-30.) Priority in *Miller* does not, however, mean a track is unprocessable.

The Office Action also cites Fig. 9, column 13 line 63 to column 14 line 57, Fig. 19, and column 19 lines 19 to 52 as disclosing “a first alternate track including video data equivalent to video data obtained by performing a process according to the effect track, the first alternate track

being used in response to the effect track being unprocessable.” (Office Action at p. 5.) Applicant respectfully disagrees.

Column 13 line 63 to column 14 line 57 involve creating an editing project, assembling sources A, B, and C, and creating a data structure. Column 19 lines 19 to 52 describe a hierarchical tree and a project involving tracks A, B, and C. These citations, however, fail to disclose any track being unprocessable, or forming “a first alternate track including video data equivalent to video data obtained by performing a process according to the effect track, the first alternate track being used in response to the effect track being unprocessable.”

On the other hand, the file recording apparatus of claim 1 includes, among other elements, “a memory device storing instructions which when executed by the processor, cause the processor to, in the first block of real data management information, form a first alternate track including video data equivalent to video data obtained by performing a process according to the effect track, the first alternate track being used in response to the effect track being unprocessable.”

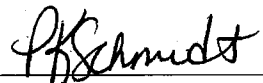
For at least these reasons, it is respectfully submitted that independent claim 1 is patentably distinguished over *Miller* and in condition for allowance. Dependent claims 2 to 6 depend either directly or indirectly from independent claim 1 and are also allowable for the reasons given with respect to claim 1 and because of the additional features recited in these claims.

Independent claims 7, 9 to 11 and 13 each include certain similar elements to independent claim 1. For reasons similar to those discussed above with respect to independent claim 1, independent claims 7, 9 to 11 and 13 are each patentably distinguished over *Miller* and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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